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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,156	03/28/2001	Brian K. Schmidt	0007056-0059/P5319/BBC	6300
7590	11/28/2003			
BRIAN M. BERLINER, ESQ. O'MELVENY & MYERS LLP 400 SOUTH HOPE STREET LOS ANGELES, CA 90071-2899			EXAMINER BROSS, EDWARD J	
			ART UNIT 2126	PAPER NUMBER
DATE MAILED: 11/28/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/822,156	SCHMIDT, BRIAN K.	
	Examiner	Art Unit	
	Edward Bross	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07/09/01 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because in figure 6B, the flows from decision state 650 are not labeled. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Schrimpf (“Migration of Processes, Files, and Virtual Devices in the MDX Operating System”, pages 70-81, 1995).

4. As to claim 1, Schrimpf discloses a method for caching an active computing environment comprising:

obtaining one or more processes in said active computing environment;
determining a state of said active computing environment (e.g. p. 77, section 5.3 first paragraph); and

caching said processes and said state (e.g. p. 77 section 5.3)

5. As to claim 2, Schrimpf discloses the limitations of claim 1 as above and relocating said active computing environment to a new location (e.g. p. 76, section 5.1 and p. 77 section 5.3).

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6. As to claim 3, Schrimpf discloses the limitations of claim 2 as above and halting said active computing environment and re-starting said active computing environment in said new location using said state. (e.g. p 76 section 5.1 and p. 77 section 5.3).

7. As to claim 4, Schrimpf discloses the limitations of claim 1 as above and that the said state comprises an inter-process communication (IPC) state (e.g. p. 77 last paragraph).

8. As to claim 5, Schrimpf discloses the limitations of claim 1 as above and that the said state comprises a virtual memory state (e.g. p. 77 section 5.3)

9. As to claim 6, Schrimpf discloses the limitations of claim 1 as above and that the said state comprises a device state (e.g. p. 77 section 5.3).

10. As to claim 7, Schrimpf discloses the limitations of claim 1 as above and the said state comprises a file system state (e.g. p. 77 section 5.3).

11. As to claim 8, Schrimpf discloses the limitations of claim 1 as above, and that the said state comprises a central processing unit state (e.g. p. 77 section 5.3).

12. As to claim 9, Schrimpf discloses a cache for an active computing environment comprising:

obtaining one or more processes in said active computing environment;
determining a state of said active computing environment; and
caching said processes and said state (e.g. p. 77 section 5.3)

13. As to claim 10, Schrimpf discloses the limitations of claim 9 as above and relocating said active computing environment to a new location (e.g. p. 76, section 5.1 and p. 77 section 5.3).

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14. As to claim 11, Schrimpf discloses the limitations of claim 10 as above and halting said active computing environment and re-starting said active computing environment in said new location using said state. (e.g. p 76 section 5.1 and p. 77 section 5.3).

15. As to claim 12, Schrimpf discloses the limitations of claim 9 as above and that the said state comprises an inter-process communication (IPC) state (e.g. p. 77 last paragraph).

16. As to claim 13, Schrimpf discloses the limitations of claim 9 as above and that the said state comprises a virtual memory state (e.g. p. 77 section 5.3)

17. As to claim 14, Schrimpf discloses the limitations of claim 9 as above and that the said state comprises a device state (e.g. p. 77 section 5.3).

18. As to claim 15, Schrimpf discloses the limitations of claim 9 as above and the said state comprises a file system state (e.g. p. 77 section 5.3).

19. As to claim 16, Schrimpf discloses the limitations of claim 9 as above, and that the said state comprises a central processing unit state (e.g. p. 77 section 5.3).

20. As to claim 17, Schrimpf discloses a computer program product comprising:
a computer usable medium having computer readable code embodied therein configured
to cache an active computing environment, said computer program comprising:
obtaining one or more processes in said active computing environment;
determining a state of said active computing environment; and
caching said processes and said state (e.g. p. 77 section 5.3)

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21. As to claim 18, Schrimpf discloses the limitations of claim 17 as above and relocating said active computing environment to a new location (e.g. p. 76, section 5.1 and p. 77 section 5.3).
22. As to claim 19, Schrimpf discloses the limitations of claim 18 as above and halting said active computing environment and re-starting said active computing environment in said new location using said state. (e.g. p 76 section 5.1 and p. 77 section 5.3).
23. As to claim 20, Schrimpf discloses the limitations of claim 17 as above and that the said state comprises an inter-process communication (IPC) state (e.g. p. 77 last paragraph).
24. As to claim 21, Schrimpf discloses the limitations of claim 17 as above and that the said state comprises a virtual memory state (e.g. p. 77 section 5.3)
25. As to claim 22, Schrimpf discloses the limitations of claim 17 as above and that the said state comprises a device state (e.g. p. 77 section 5.3).
26. As to claim 23, Schrimpf discloses the limitations of claim 17 as above and the said state comprises a file system state (e.g. p. 77 section 5.3).
27. As to claim 24, Schrimpf discloses the limitations of claim 17 as above, and that the said state comprises a central processing unit state (e.g. p. 77 section 5.3).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Bross whose telephone number is 305-8754.

The examiner can normally be reached on Mon-Fri 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-3900.

EJB



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
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